

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRUCE ALBERT BUTTS, JR.,

Defendant-Appellant.

UNPUBLISHED

December 16, 1997

No. 187470

Genesee Circuit Court

LC No. 94-050779 FH

Before: O'Connell, P.J., and White and C. F. Youngblood*, JJ.

MEMORANDUM.

Defendant pleaded guilty to breaking and entering a motor vehicle causing damage, MCL 750.356a; MSA 28.588(1), and received three years' probation, despite his status as a second offender, MCL 769.10; MSA 28.1082. Defendant subsequently pleaded guilty to violating the terms of his probation and received an enhanced sentence of 4 to 7-1/2 years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's four-year minimum sentence does not violate the principle of proportionality, especially in light of defendant's criminal history, and the leniency shown defendant in the underlying proceedings. *People v Smith*, 195 Mich App 147, 150-151; 489 NW2d 135 (1992). Accordingly, the trial court did not abuse its sentencing discretion when it imposed the four-year minimum sentence. *People v Hansford (After Remand)*, 454 Mich 320; 562 NW2d 460 (1997).

Affirmed.

/s/ Peter D. O'Connell

/s/ Helene N. White

/s/ Carole F. Youngblood

* Circuit judge, sitting on the Court of Appeals by assignment.